



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,147	04/20/2001	Zsolt Kun-Szabo	004770.00778	9518

22907 7590 08/21/2008
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/838,147	Applicant(s) KUN-SZABO ET AL.	
	Examiner JOY K. CONTEE	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24-26 and 28-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 29-38 is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24-26, 28 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/14/08 have been fully considered but they are not persuasive. Applicant argues that Luna teaches away from receiving resource related information via a push command since the push proxy in Luna occurs without user request. However, Examiner contends that the claim language is not clear as to which mobile terminal (sending or receiving) has the resource related information pushed to it (see rejection under 35 USC 112, second paragraph below).
2. This action corrects an oversight made in the last office wherein dependent claims 39-41 were included in the allowable subject matter as if they depended from either of allowed independent claims 1 and 35. Since claims 39-41 depend from rejected claim 21, they have been properly identified and included in the rejection below.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 42 is rejected under 35 U.S.C. 101 because the preamble lacks support in the specification. The preamble claims "one or more computer storage media storing computer executable instructions that when executed at a first mobile terminal..". The specification does not describe what computer storage media stores the executable instructions on. Page 5 lines 27-30 simply indicated that the controller forms an interface to the peripheral units of the apparatus including RAM memory and FLASH

ROM memory. Further, page 13 lines 27-30 simply suggest that the decision on which bearer to user for the connection may be under software control.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 21 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 21 and 25, it is not clear as to whether the claimed controller is configured to receive (or send) resource related information via a push command from another wireless terminal or from a server providing the resource related information. Further, it is not clear if the claimed controller is comprised in a first wireless terminal for sending resource related information or in a second wireless terminal for receiving resource related information over a negotiated connection. Hence, the amended language, "wherein the controller is configured to receive (send) the resource related information via a push command" is also unclear as far as, it is not clear as to which of a first (sending) or second (receiving) wireless terminal (or apparatus) receives the resource related information via a push command, since Applicant claims that the resource information is user-selected. Examiner has not limited "user-selected" to suggest user-initiated provisioning, in order to maintain the use of Luna in the amended claims.

Allowable Subject Matter

7. Claims 1-20 and 29-41 are allowed.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 21, 24-25, 28, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable Rupp et al., (Rupp), US 6,144,464, in view of Luna et al. (Luna), US 2002/0123335, previously used.

Regarding claims 21 and 25, Rupp discloses an apparatus comprising: a controller configured to receive an input of resource related information from another terminal (reads on query step see col. 10, lines 7-42), wherein the controller is further configured to negotiate a connection with the other terminal and subsequently to receive (or send) the information over the connection (reads on inner page negotiation step to adjust the data transmission rate and transfer or reception of facsimile data is attempted), wherein the apparatus comprises a wireless communication terminal (reads on wireless transceiver either interfaced via a cable or integrated with facsimile see col. 6 lines 39-51) (see Fig. 2 and col. 5, line 66 to col. 6, line 18 and line 39- col. 7, line 5 and col. 8, line 37 to col. 10, line 42).

Rupp fails to explicitly disclose wherein the controller is arranged to receive the resource related information via a push command.

In a similar field of endeavor, Luna discloses wherein the controller is arranged to receive the resource related information via a push command (page 2 [0017] and page 3 [0025]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Rupp to include push technology for the purpose of initiating provisioning for enhancement of a mobile device.

Regarding claims 24 and 28, Rupp discloses an apparatus and method as claimed claims 21 and 25 respectively, wherein the terminal is a cellular radio telephone (col. 6, lines 40-43).

Regarding claims 39-41, Rupp and Luna disclose the limitations of claims 21, 39 and 40, wherein Luna further discloses the apparatus wherein the sending of the resource related information to the another wireless terminal is conducted via a short message services (and is comprised of a plurality of SMS text messages and wherein the SMS text is comprised of URLcard)(reads on URL address hyperlink in text message) (see Luna (page 2 [0017] and page 3 [0025])).

10. Claims 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rupp, in view of Lee et al. (Lee), US 6,490,291, previously used.

Regarding claims 22 and 26, Rupp discloses an apparatus and method as claimed in claims 2 and 25, respectively, but fails to disclose wherein the controller is configured to operate in accordance with a wireless application protocol.

In a similar field endeavor, Lee discloses wherein the controller is configured to operate in accordance with a wireless application protocol (col. 5, line 14 to col. 6, line 21).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Rupp to include WAP for the purpose of allowing communication via the internet in the wireless transceiver.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bengtsson et al., US 2005/0064887 discloses a system and method for sending multimedia attachments to text messages in radiocommunication systems.

Avnet et al. US 2002/0094787, discloses a method and apparatus for transmitting information form point-to-point.

Mcconnell et al. US 6822954 discloses a telecommunications gateway.

Wallenius et al. US 7,161,925 discloses a method for call control in intelligent networks.

Oommen US 6,799,203 discloses WTA based over the air management.

Rossmann US 5,809,415 discloses a method and architecture for an interactive two way data communication network.

Schwartz et al. 7,003,284, discloses a method and architecture for an interactive two way data communication network.

Chen et al., US 7,020,685 discloses a method and apparatus for providing internet content to SMS based wireless devices.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/
Patent Examiner (PSA), Art Unit 2617